

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

SOUTHERN DISTRICT OF TEXAS

United States of America )  
 v. )  
 ) Case No. 7:18-mj-2432  
 Cesar Giovany CRUZ, YOB: 1996 (USA) )  
 )  
 )  
 )  
 \_\_\_\_\_

*Defendant(s)*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 11/27/2018 in the county of Starr in the Southern District of Texas, the defendant(s) violated:

| <i>Code Section</i> | <i>Offense Description</i>                                                                                                                                                  |
|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 21 USC 846          | Conspiracy to Possess with the Intent to Distribute and Possession with Intent to Distribute Marijuana, approximately 137.000 kilograms, a schedule I controlled substance. |
| 21 USC 841          |                                                                                                                                                                             |

This criminal complaint is based on these facts:

(See Attachment I).

Continued on the attached sheet.

*Approved by*  
*[Signature]*

Sworn to before me and signed in my presence.

Date: 11/28/2018 - 8:50 a.m.

City and state: McAllen, Texas

*[Signature]*  
Complainant's signature  
Matthew Dolengowski, DEA Special Agent

Printed name and title

*[Signature]*  
Judge's signature  
Juan F. Alanis, US Magistrate Judge

Printed name and title

**ATTACHMENT I**

1. On November 27, 2018, at approximately 7:20 p.m., U.S. Border Patrol (USBP) Rio Grande City agents were conducting line watch duties, when agents observed possible narcotics smuggling activity near FM3167 in Rio Grande City, Texas. Agents subsequently responded to the area and observed a dark blue Ford Explorer, displaying Texas license plate GKP3732, drive north towards US Highway 83. As agents attempted to approach the vehicle, it fled and rolled over multiple times before coming to a stop in an open field.
2. Agents subsequently took the driver of the vehicle into custody, who was later identified as Cesar CRUZ, and seized twenty-six (26) bundles of suspected marijuana from the blue Ford Explorer.
3. At the Rio Grande City USBP Station, agents processed the suspected marijuana, which weighed approximately 137 kilograms (302 pounds).
4. DEA Special Agents (SAs) Matthew Dolengowski and Danielle Martin conducted a post-arrest interview of CRUZ. CRUZ was provided with Miranda Warnings and stated that he understood his rights. CRUZ voluntarily agreed to speak with agents without having an attorney present.
5. During the post-arrest interview, CRUZ stated that on November 27, 2018, two (2) unknown individuals loaded the bundles of marijuana into the blue Ford and that CRUZ was going to transport them to a location in Rio Grande City, TX. CRUZ stated that he knew the bundles contained marijuana and that it is illegal to transport marijuana. CRUZ stated that he was going to be paid \$6,000.00 to transport the bundles of marijuana from near the Rio Grande River to another location in Rio Grande City, Texas. CRUZ also stated that he lost control of the vehicle and got in an accident while attempting to flee from responding Border Patrol Agents.